

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47087 of 2022

Arising Out of PS. Case No.-213 Year-2021 Thana- JAGDISHPUR District- Bhojpur

Anish Kumar, Male, aged about- 25 years, Son of- Late Arvind Singh resident
of village - Dulhinganj, P.S.- Jagdishpur, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 07-12-2022 Heard Mr. Prabhat Kumar Singh, learned counsel
appearing on behalf of the petitioner and Mr. Ajit Kumar,
learned APP for the State.

Petitioner who is in custody since 31.05.2022 seeks
regular bail in connection with Jagdishpur P.S. Case No. 213 of
2021 registered for offences punishable under Sections 307/34
of the Indian Penal Code and Section 27 of the Arms Act.

Prosecution case in brief is that petitioner along with
other co-accused namely, Rabindra Mahto had fired on the
informant, who received injury on the left side of his back.

Learned counsel appearing on behalf of the petitioner
submits that petitioner has committed no offence and has falsely
been implicated in the present case. The allegation of having
fired is on Rabindra Mahto. Petitioner is not named in the F.I.R.



He further submits that petitioner has clean antecedent and he is in custody since 31.05.2022. On these grounds, petitioner seeks to be released on bail.

Learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioner.

Considering the nature of allegation made against the petitioner that he had accompanied one Rabindra Mahto, who had fired upon the informant. In absence of any allegation of overt act to have been committed by the petitioner, petitioner *prima facie* has made out a case to be released on bail.

The petitioner, above named, is directed to be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate Bhojpur at Ara in connection with Jagdishpur P.S. Case No. 213 of 2021 subject to the following conditions:

- (i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.
- (ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.
- (iii) If the petitioner tampers with the evidence or the



witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

Petitioner is directed to remove all the defect(s) as pointed out by the Stamp Reporter within two weeks' and thereafter, registry shall communicate the order to the Court below forthwith.

(Purnendu Singh, J)

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